AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

1. (Previously Presented) A DNA fragment, which exists in a non-translation region located upstream of the 5'-terminal side of YFL014W gene of *Saccharomyces cerevisiae* and has a cold-inducible promoter function.

2. (Original) A DNA fragment having a cold-inducible promoter function, which comprises

DNA described in the following (a) or (b):

(a) DNA comprising a deletion, substitution or addition of one or more nucleotides with respect to the DNA fragment according to claim 1;

(b) DNA hybridizing with a DNA fragment consisting of a nucleotide sequence complementary to the DNA fragment according to claim 1 under stringent conditions.

3. (Previously Presented) An expression vector comprising the DNA fragment according to claim 1 or 2.

4. (Currently Amended) The expression vector according to claim 3, characterized by comprising a foreign gene or foreign DNA fragment downstream of said DNA fragment.

5. (Previously Presented) A transformant, which is transformed with the expression vector according to claim 3 or 4.

6. (Currently Amended) The transformant according to claim 5, wherein a ~~hoist~~ host is yeast.

7. (Previously Presented) A method for producing a protein, characterized by comprising decreasing a culture temperature and culturing the transformant according to claim 5 or 6 at the decreased temperature.

8. (Previously Presented) The method for producing a protein according to claim 7, wherein the culture temperature is 10°C or lower.

9. (Currently Amended) A method for ~~producing a protein, characterized by comprising decreasing a culture temperature and culturing the transformant according to claim 7 or 8 at the decreased temperature~~ regulating RNA production, characterized by comprising decreasing a culture temperature and culturing the transformant according to claim 5 or 6 at the decreased temperature.

10. (Previously Presented) The method for regulating RNA production according to claim 9, wherein the culture temperature is 10°C or lower.

11. (Cancelled)

12. (Cancelled)